

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 24, 2004

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B170919 People v. Lopez
B169642 People v. Ruiz
B168817 People v. Wilson
B170341 People v. Jones
B170514 Roca, et al. v. Murphy, et al.

Argument waived, cause submitted.

B165399 Gamboa, et al.
 v.
 William S. Hart Union High School District

Merits:
Argued by Baden Mansfield for appellants and by John Allen for
respondent. Cause submitted.

B171367 Tong, et al.
 v.
 Brockway,

Merits:
Argued by Ricky Poon for appellants and by Rebecca Elayache for
respondent. Cause submitted.

September 24, 2004 (Continued)

DIVISION TWO (Continued)

B168634 Zavala, et al.
v.
TK Holdings, Inc., et al.

Merits:

Argued by Gerald Strenio for appellants, by Laurence Hummer for respondent SGS and by Michael Carpenter for respondents Takata and TK Taito. Cause submitted.

Court adjourned.

B175900 Jodi H. (Not for Publication)
v.
Superior Court, Los Angeles County
(Department of Children and Family Services , r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

DIVISION THREE

B170639 Los Angeles Unified School District (Not for Publication)
v.
Workers Compensation Appeals Board

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B163319 Aztec America Stations Group, et al. (Not for Publication)
 v.
 Citicorp Venture Capital, LTD., et al.

The trial court orders and judgments are affirmed. Defendants are awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B168140 Jamar Nichols, Jr., etc. et al. (Not for Publication)
 v.
 Good Samaritan Hospital

The judgment based upon the directed verdict in favor of defendant hospital is reversed. We remand this case to the trial court for further proceedings. Plaintiffs are awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B165817 Kheiltash (Not for Publication)
 v.
 Kheiltash

The orders are affirmed. Respondent is to recover his costs on appeal.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

September 24, 2004 (Continued)

DIVISION FOUR (Continued)

B170231 Thomson (Not for Publication)
v.
Miller

The order denying the special motion to strike the second cause of action is affirmed. The order granting the special motion to strike the first cause of action is reversed. The award of attorneys fees to Miller is reversed. Thomson is awarded her costs on appeal.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

B143105 Russomanno (Not for Publication)
v.
Fox Children's Network and Far East Caning Ind

The orders reviewed on this appeal and the judgments subsequently entered thereon are affirmed. The protective cross-appeal is dismissed as moot. (See fn. 1, *supra*.) Far East Canning Industries, Limited and Fox Children's Network are to recover their costs in this proceeding.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

DIVISION FIVE

B173032 Los Angeles County, D.C.S. (Not for Publication)
v.
Cherish N.,

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION EIGHT

B157835 Bingham et al. (Not for Publication)
v.
Cedars-Sinai Health Systems et al.

The judgment is affirmed in part and reversed in part. The trial court is directed to enter an order granting summary judgment in favor of Reese and Kim on the causes of action for (1) retaliation in violation of Government Code section 12940; (2) disability discrimination; (3) assault and battery; (4) false imprisonment; (5) defamation; (6) intentional infliction of emotional distress; and (7) loss of consortium. The trial court is directed to enter an order granting summary adjudication in favor of Eklund on the causes of action for (1) retaliation in violation of Government Code section 12940, (2) disability discrimination; (3) invasion of privacy; (4) assault and battery; (5) defamation; and (6) loss of consortium. The trial court is directed to enter an order granting summary adjudication in favor of Cedars on the causes of action for (1) retaliation in violation of Government Code section 12940; (2) disability discrimination; (3) retaliation in violation of Labor Code section 6310; (4) retaliation in violation of Labor Code section 1102.5, subdivision (b); constructive termination; (7) defamation; and (8) loss of consortium. The attorneys' fee award and costs are reversed without prejudice to Respondents renewing their request for fees incurred in defending the FEHA causes of action. The case is remanded to the trial court. Each party to bear his, her, or its own costs on appeal.

Cooper, P.J.

We concur: Boland, J.
 Flier, J.

B166123 Bryan Harper
v.
24 Hour Fitness

Filed order denying petition for rehearing.